

No. 14/13/87-6Lab./403.—In pursuance of the provisions of section 17 of the Industrial disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Engineer-in-chief, P. W. D. (B. & R.) Haryana, Chandigarh *versus* Ameen.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER,  
LABOUR COURT-II, FARIDABAD

Reference No. 681/93

*between*

THE MANAGEMENT OF M/S ENGINEER-IN-CHIEF, PWD (B & R), HARYANA  
CHANDIGARH

2. EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT DIVISION NO. 2,  
SECTOR-8, FARIDABAD.

*versus*

THE WORKMAN NAMELY SHRI AMEEN C/O MRS. SAVITA BHANDARI  
AND MISS ALKA BHATIA, ADVOCATES, FARIDABAD.

*Present :*

Mrs. Savita Bhandari, for the workman.

Shri S. Khan, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 (here-in-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above to this court for adjudication,—*vide* Haryana Government Endst. No. 34250—56, dated 6th September, 1993 :—

Whether the termination of services of Shri Ameen, is legal and justified? If not, to what relief, is he entitled to ?

2. The case of the workman is that he was appointed as Baildar in P. W. D., Division No. 2, sector-8, Faridabad on 1st May, 1985 and his last drawn wages were Rs. 38.15 per day. His work had remained satisfactory throughout the period of 8 years. He was made to understand that he was being appointed against a permanent post but his services were terminated illegally on 1st May, 1993 without following the procedure envisaged under section 25-F of the Act.

3. The respondents submitted written statement dated 4th May, 1994 stating therein that the workman was appointed as casual worker in May, 1995 as a daily wager. He had been drawing salary at different rates fixed under the minimum wages Act from time to time. He was assigned the job as per requirements. His services were dis-continued w. e. f. 4th April, 1993 when there was no need of any casual worker for attending to the work at site. No termination order or notice was required to be served on casual workers and as such the workman is not entitled to any relief. It was also pleaded that the P. W. D. of the state is not an industry within the meaning of term industry defined in the Act and so this court has no jurisdiction entertain and decide the present reference.

4. The workman submitted rejoinder dated 28th May, 1993 re-asserting the previous averments and denying the averments of the respondents.

5. On 28th July, 1994 the case was fixed up for filing of documents, admission and denial thereof and for issues. No authorised representative appeared from the side of the respondents and so it was ordered that the respondents be proceeded against *ex parte*. The application submitted by the respondents for setting aside *ex parte* proceedings dated 28th July, 1994 was dismissed,—*vide* order dated 18th October, 1994.

6. The workman has examined himself *ex parte* evidence.

7. I have heard the authorised representatives of both the parties and have also through the evidence on record.

8. The workman has vouched the facts mentioned above has also deposed that the post of Builder against which he was appointed was still in existence and persons junior to him were still working and even made regular. There is no rebuttal to the position. Apart from this Shri S. Khia authorised representative of the respondents has checked up the position from his record and has confirmed that the workman had worked for a continuous period of more than 240 days during the period of last 12 calendar months from the date of termination of his services. Admittedly no notice pay and retrenchment compensation envisaged under section 25-F of the Act was paid to the workman at the time of termination of his services. The impugned action of the respondents terminating the services of the workman is thus, illegal and unjustified. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages. The award is passed accordingly.

U. B. KHANDUJA,

Presiding Officer,  
Labour Court II,  
Faridabad.

Dated 2nd March, 1995.

Endorsement No. 295, dated the 2nd August, 1995.

A copy with three spare copies is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,  
Labour Court-II, Faridabad.

No. 14/13/87-6Lab./404.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s The Secretary, H.S.E.B., Shakti Bhawan, Sector 6, Panchkula *versus* Shri Inderbir.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER,  
LABOUR COURT-II, FARIDABAD

Reference No. 48/49

*between*

THE MANAGEMENT OF M/S THE SECRETARY, HARYANA STATE ELECTRICITY BOARD, SHAKTI BHAWAN, SECTOR-6, PANCHKULA.  
EXECUTIVE ENGINEER, HARYANA STATE ELECTRICITY BOARD (TOWER LINE CONSTRUCTION) OFFICE, KOTHI NO. 449, SECTOR-16, FARIDABAD.

*versus*

THE WORKMAN NAMELY SHRI INDERBIR C/O SHRI VINOD LAL SHARMA, COURT COMPOUND, SECTOR-12, MINI SECRETARIAT, FARIDABAD.

*Present :*

None.

#### AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above to this court for adjudication,—  
*vide* Haryana Government Endst. No. 3897—3903, dated 1st February 1994 :—

Whether the termination of services of Shri Inderbir, is legal and justified ? If not, to what relief, is he entitled to ?

2. Notices were sent to both the parties. The authorised representatives of both the parties appeared.

3. On 7th June, 1994 the authorised representative of the workman reported that the workman had expired. He sought adjournment to file application on behalf of LR's of the deceased workman. However, on 3rd October 1994 he made statement that he did not want to appear in the case as no LR of the deceased workman had contacted him. In the circumstances, a notice under registered cover was sent to father to the deceased workman to appear in the court today. Notice has not been received back undelivered. The father of the deceased workman has also not appeared. None is also present on behalf of the management.

4. In the aforesaid circumstances, the court is left with no option but to pass no claim award and it is passed accordingly.

The 28th February, 1995.

U. B. KHANDUJA,

Presiding Officer,  
Labour Court-II,  
Faridabad.

Endorsement No. 289, dated the 1st March, 1995.

A copy, with three spare copies, is forwarded to the Financial Commissioner and Secretary to the Government Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA

Presiding Officer,  
Labour Court-II,  
Faridabad.

The 23rd March, 1995

No. 14/13/87-6 Lab./419.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s I.C.L. Towers Ltd., Kilazafargarh, District (Jind) *versus* Jai Pal Singh.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 231 of 1994

*between*

SHRI JAI PAL SINGH, S/O SHRI HUKAMI RAM, VILL. & P.O. DHANANA,  
TEHSIL, GOHANA, DISTRICT SONEPAT

.. *Workman*

*and*

THE MANAGEMENT OF M/S. I.C.L. TOWERS LTD., KILAZAFARGARH,  
DISTRICT JIND.

.. *Management*

*Present :*

None for the parties.

#### AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication,—*vide* Labour Department, Endorsement No. ID/5001-06 dated the 8th February, 1994 :—

Whether the termination of services of Shri Jai Pal Singh is justified and in order ? If not, to what relief he is entitled ?

2. The case was called several time, but no one present on behalf of the parties. Hence the reference petition of the workman is dismissed in default. The reference is answered and returned accordingly, with no orders as to costs.

P. L. KHANDUJA,

The 16th February, 1995.

Presiding Officer,  
Industrial Tribunal/Labour Court,  
Rohtak.

Endorsement No. Reference 231—94/331, dated 28th February, 1995.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh.

P. L. KHANDUJA

Presiding Officer,  
Industrial Tribunal/Labour Court,  
Rohtak.

No. 14/13/87-6Lab./420.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Principal, C. R. A. College, Sonapat, *versus* Ram Das.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 729 of 1992

*between*

SHRI RAM DASS, S/O SHRI RAM KUMAR, R/O GOPALPUR, TEH. KHARKHODA,  
SONEPAT, WORKMAN

*and*

THE MANAGEMENT OF M/S PRINCIPAL, C. R. A. COLLEGE, SONEPAT, (2) SECRETARY,  
MANAGING COMMITTEE, TIKA RAM SOCIETY OF EDUCATION, SONEPAT.

*Present :*

None for the parties.

#### AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, has referred the following dispute, between the parties, named above, to this Court for adjudication,—*vide* Labour Department, Endst. No. SOV/Sonl/36—92/28834, dated 27th June, 1992 :—

Whether the termination of services of Shri Ram Dass is justified and in order ? If not, to what relief he is entitled ?

2. The case was called several times, but no one is present on behalf of the parties. Hence the reference petition of the workman is dismissed in default, with no orders as to costs.

The 10th February, 1995.

P. B. KHANDUJA,  
Presiding Officer,  
Industrial Tribunal/Labour Court,  
Rohtak.

Endorsement No. ref. 729-92/298, dated the 22nd February, 1995.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,

Industrial Tribunal/Labour Court,  
Rohtak.

No. 14/13/87-6 Lab./421.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Rohit Chemical Industries, Rohtak *versus* Munna;—

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 377 of 1994

*between*

SHRI MUNNA, C/O SHRI SUNDER SINGH, HOUSE NO. 36, SUGAR MILLS COLONY,  
ROHTAK, WORKMAN

*and*

THE MANAGEMENT OF M/S ROHIT CHEMICAL INDUSTRIES, ROHTAK

*Present :*

None for the parties.

#### AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication,—*vide* Labour Department Endorsement No. ID/Rohtak/204-94/13181, dated 15th November, 1994 :—

Whether the termination of service of Shri Munna, is justified and in order ? If not, to what relief he is entitled ?

2. The case was called several times, but no one is present on behalf of the parties. Hence the reference is dismissed in default, with no orders as to costs.

The 10th February, 1995.

P. L. KHANDUJA,

Presiding Officer,

Industrial Tribunal/Labour Court,  
Rohtak.

Endorsement No. ref. 377-94/297, dated the 22nd February, 1995.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,

Industrial Tribunal/Labour Court,  
Rohtak.